

MinutesSeptember 18, 2001 9:00 a.m.

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, September 18, 2001, the following members were present:

Gary Feland, Chairman
Jay Stovall, Vice Chairman
Matt Brainard, Commissioner
Bob Rowe, Commissioner

Commissioner Anderson was absent but left votes with the Commission Secretary.

APPEARANCE
Dennis Crawford
Utility

(309) In the matter of Montana-Dakota Utilities, Docket No. D2001.8.118; On August 29, 2001, Montana-Dakota Utilities Co. (MDU) filed an application requesting a waiver from Title 49, CFR, Part 192.321(a) of the pipeline safety regulations. This waiver would allow the installation of polyethylene pipe in a steel cased crossing attached, above ground, to a bridge located in the Billings area. This waiver would eliminate the associated maintenance activities, without jeopardizing public safety. Commissioner Stovall moved to approve the waiver. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(310) In the matter of Qwest Corporation, Docket No. N2001.8.108; On August 16, 2001 Qwest filed tariff transmittal 01-27 Centrex 21 enhancement. Centrex 21 is a flat rate, business service for customers with 3 to 5 station lines. This filing is designed to enhance Centrex 21 service by lowering the threshold from a minimum of 3 lines to 2, eliminating the loop extension charge, waiving the nonrecurring conversion charge for customers subscribing to the 60 month contract and allowing customers more flexibility on optional features. Qwest also proposes raising the month to month rates to \$46.95 from \$46.33 and offsetting the additional revenue by lowering the nonrecurring installation charge for basic business access lines from \$61.40 to \$61.25. Commissioner Rowe moved to approve the tariff. Commissioner Stovall seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(311) In the matter of Qwest Corporation, Docket No. N2001.8.116; On August 24, 2001 Qwest filed tariff transmittal 01-28 Business or Centrex 21 Additional Line Promotion. Existing business customers who purchase an additional flat-rated business line or an additional Centrex 21 analog line during the promotional period will be mailed three \$50.00 credit coupons. The customer may submit only one credit coupon per month with their bill payment and all coupons must be redeemed by October 1, 2002. This promotion will run from September 24, 2001 through December 21, 2001, and will be applicable to existing business customers where the service is technically available. Commissioner Rowe moved to approve the tariff. Commissioner Stovall seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

MinutesSeptember 18, 2001 9:00 a.m.

APPEARANCE

Wayne Budt
Transportation

(312) In the matter of TN2111; Flathead Area Custom Transportation, Inc. dba Kalispell Taxi & Airport Shuttle Service requests permission to suspend PSC No. 9404 for a six month period, September 10, 2001 to May 10, 2002.

Class B – Non-emergency medical and psychiatric patients to and from medical appointments at health care facilities within the following counties: Flathead, Lake, Lincoln, Missoula, and Sanders.

Limitations: Transportation must originate or terminate in Lincoln County.

SUB A Class B - Passengers, baggage and express between all points and places in Libby, Montana and a thirty (30) mile radius thereof. Limitations: 1) Transportation of railway crews is prohibited.
2) Transportation by limousine is prohibited.

Commissioner Rowe moved to approve the six-month suspension. Commissioner Stovall seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

APPEARANCE

Wayne Budt
Centralized Services

(313) In the matter of the approval of Commission Minutes; Commissioner Brainard moved to approve the Commission Minutes for the week of September 10, 2001. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

MinutesSeptember 18, 2001 9:00 a.m.

There being no further business to come before the Commission the meeting was adjourned.

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

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Gary Feland, Chairman
Jay Stovall, Vice Chairman
Matt Brainard, Commissioner
Bob Rowe, Commissioner

Commissioner Anderson was absent but left written votes with the Commission Secretary on some issues; left his proxy with Commissioner Rowe on some issues; and did not leave a vote on some issues.

APPEARANCE

Robin McHugh, Will Rosquist, Eric Eck

(314) In the matter of the Commission's discussion of Northwestern Generation I, LLC' s application for comments and findings regarding the Power Purchase Agreement with Montana Power Company, Docket No. D2001.9.123; Commissioner Brainard moved to defer action until next week. Commissioner Stovall seconded the motion, which passed with a vote of 4-0. Commissioner Anderson did not leave a vote on this issue.

APPEARANCE

Robin McHugh, Will Rosquist, Eric Eck

(315) In the matter of the Commission's discussion of Rocky Mountain Power' s application for comments and findings regarding the Power Purchase Agreement with Montana Power Company, Docket No. D2001.9.127; Commissioner Rowe moved to issue the protective order. Commissioner Brainard seconded the motion, which passed with a vote of 4-0. Commissioner Anderson did not leave a vote on this issue.

APPEARANCE

Robin McHugh, Will Rosquist, Eric Eck

(316) In the matter of the Commission's discussion of Montana Power Company' s proposed cost recovery mechanism, Docket No. D2001.7.84; Commissioner Rowe moved to issue the notice of opportunity for comments with 20 days to respond. Commissioner Brainard seconded the motion, which passed with a vote of 4-0. Commissioner Anderson did not leave a vote on this issue.

APPEARANCE

Robin McHugh, Eric Eck, Ryan Morton

(317) In the matter of the Commission's discussion of the electric power pool, Docket No. D2001.3.30; Commissioner Brainard moved to allocate four megawatts to Stimson Lumber and issue a notice requesting allocation for additional allotments. Commissioner Stovall seconded the motion, which passed unanimously. Vote left open for Commissioner Anderson, who voted aye.

MinutesSeptember 18, 2001 9:30 a.m.

APPEARANCE

Martin Jacobson, Kate Whitney, Tina Shorten

(318) In the matter of the Commission's discussion of Montana Power Company' s request for disconnection of service for a medical emergency waiver customer, Docket No. D2001.9.120; Commissioner Rowe moved to reply to Montana Power Company that, based on information provided to date, a medical exception for this customer does not apply. Commissioner Brainard seconded the motion, which passed unanimously. Commissioner Rowe cast Commission Anderson' s proxy aye.

APPEARANCE

Martin Jacobson

(319) In the matter of the Commission's discussion of Montana Power Company' s franchise fee tariff, Docket No. D2001.7.95; Commissioner Stovall moved to approve the tariff filing. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

APPEARANCE

Robin McHugh

(320) In the matter of the Commission's discussion of Flathead Electric Cooperative' s transfer from PacifiCorp (Spring Creek Coal' s application for access to documents covered by the protective order), Docket No. D98.10.218; Commissioner Rowe moved to note the issue resolved through signing of the Nondisclosure Agreement by Spring Creek Coal' s counsel and his subsequent viewing of the documents. Commissioner Stovall seconded the motion, which passed unanimously. Commissioner Rowe cast Commissioner Anderson' s proxy aye.

APPEARANCE

Martin Jacobson

(321) In the matter of the Commission's discussion of Five Valleys Gas Company, Docket No. D2001.5.59; Commissioner Rowe moved to approve the transaction in concept subject to further review. Commissioner Brainard seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

APPEARANCE

Martin Jacobson, Dave Burchett

(322) In the matter of the Commission's discussion of Mountain Water Company' s transitional rates, Docket No. D2001.6.77; Commissioner Rowe moved to approve the rates on a final basis. Commissioner Brainard seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

MinutesSeptember 18, 2001 9:30 a.m.

APPEARANCE

Robin McHugh

(323) In the matter of Ronan Telephone Company' s complaint against Blackfoot, Docket No. D2000.5.63; Commissioner Rowe moved to deny the request by Ronan Telephone Company to deny Blackfoot ETC designation but requested bringing the issues pending before the Commission as soon as possible. Commissioner Stovall seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

APPEARANCE

Martin Jacobson

(324) In the matter of the Commission' s discussion of Montana eligible telecommunications carriers annual certification to the Federal Communications Commission, Docket No. N2001.8.110; Commissioner Stovall moved to certify all ETCs requesting certification. Commissioner Brainard seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

Commissioner Brainard moved to contact Reservation Telephone Cooperative to discuss implementing its eligible telecommunications carrier designation. Commissioner Stovall seconded the motion, which passed unanimously. Vote left open for Commissioner Anderson, who voted aye.

APPEARANCE

Robin McHugh, Ryan Morton

(325) In the matter of the Commission's discussion of Qwest Corporation' s application for § 271 approval, Docket No. D2000.5.70; Commissioner Rowe moved to adopt staff' s recommendations per its memo subject to suggestions in the discussion. Commissioner Brainard seconded the motion, which passed unanimously. Vote left open for Commissioner Anderson, who voted aye.

APPEARANCE

Robin McHugh

(326) In the matter of the Commission's discussion of Qwest Corporation and 360networks application for approval of interconnection agreement, Docket No. D2001.5.55; Commissioner Rowe moved to approve the interconnection agreement subject to rejecting terms inconsistent with previous orders. Commissioner Stovall seconded the motion, which passed with a vote of 4-0. Commissioner Anderson did not leave a vote on this issue.

APPEARANCE

Martin Jacobson, Tina Shorten

(327) In the matter of the Commission's discussion of operator service provider rate caps, Docket No. N2001.8.111; Commissioner Stovall moved to approve the operator service provider maximum rates for the period October 1, 2001 through September 30, 2002. Commissioner Rowe seconded the motion, which passed unanimously. Vote left open for Commissioner Anderson, who voted aye.

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There being no further business to come before the Commission the meeting was adjourned.

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MATT BRAINARD, Commissioner

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ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)